




ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

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522.05 Juvenile Offenders

I. Policy

All officers and other employees of this Department, who work with juveniles or juvenile records, shall be thoroughly familiar with the provisions of all state and local laws which relate to their duties.

The appropriate action to take regarding a juvenile offender should be based on the nature of the offense, whether the juvenile has engaged in a status offense, the age and circumstances of the juvenile, whether the juvenile has been harmed or is in danger of harm, the juvenile's record, the availability of rehabilitative programs, the willingness of the parents or legal guardian to cooperate with the police and the parent's or legal guardian's ability to exert control over the juvenile.

II. Code Requirements

- A. [Code of Virginia, Title 16.1. Courts Not Of Record, Chapter 11. Juvenile and Domestic Relations District Courts.](#)
- B. [Juvenile Justice and Delinquency Prevention \(JJDP\) Act of 2002.](#)

III. Definitions

- A. Non-offender – A juvenile under the jurisdiction of the court for reasons other than legally prohibited conduct (e.g. abuse, neglect).
- B. Status Offender – A juvenile who has committed a non-criminal act (e.g. truancy, runaway, underage use of alcohol) that is considered a violation of law only because of their status as minor but would not otherwise be a crime if committed by an adult.
- C. Delinquent Offender – A juvenile who has committed an offense that would be a crime if committed by an adult.
- D. Secure Detention – Detainment in a law enforcement facility holding cell, locked room, or when physically secured to a stationary object.
- E. Non-secure Custody – Detainment in a law enforcement facility in which a juvenile may be handcuffed to himself or a non-stationary object but may not be placed in a locked room or holding cell.

IV. Procedure

- A. Constitutional Rights – Juveniles have the same constitutional rights as adults. Before questioning a juvenile, officers should ensure that a juvenile understands his/her rights. Possible considerations that may factor into this decision are the maturity of the juvenile, any previous experience with the Juvenile and Domestic Relations Court, the nature of the crime, and the presence or absence of their parents or other responsible adult.

The officer should use the Advice on Constitutional Rights form to advise a juvenile arrestee of his/her rights. The officer should have a witness sign all forms, if possible. The witness should be a police officer. Whenever an advice or waiver form is completed, it should be attached to the arrest report. There is no need to give a copy to the arrestee.

- B. Detainment of Juveniles - Juveniles transported to the Criminal Investigations Section (CIS) for interviews, shall be separated from adult offenders.

1. Non-offender and status offender juveniles shall be held in non-secure custody.
2. Only delinquent offenders may be held in secure detention.
3. Officers placing a juvenile in secure detention shall complete the Department's **Secure Juvenile Holding Log** and make every reasonable effort to limit a delinquent offender's placement in secure detention to six hours, as required by the JJDP Act.
4. Additionally, officers shall follow the procedures for CIS interview rooms as outlined in Manual directive 536.05 *Arrestees*.

- C. Custodial Interrogation of a Juvenile

1. Prior to the custodial interrogation of a juvenile who has been arrested for a criminal violation, the child's parent, guardian, or legal custodian shall be notified and the juvenile shall have contact with his parent, guardian, or legal custodian. Such notification and contact may be in person, electronically, by telephone, or by video conference. The following exceptions are applicable:
 - a. The parent, guardian, or legal custodian is a codefendant in the alleged offense.
 - b. The parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child.
 - c. The parent, guardian, or legal custodian cannot reasonably be located or refuses contact with the child.
 - d. A public safety exception exists where the information being sought is limited to that necessary to protect life, limb, or property from imminent danger

D. Officer Discretion Regarding Juvenile Offenders

1. Non-Custodial Warning - The juvenile is advised to refrain from the offending activity and there is no further action.
2. Custodial Warning - The juvenile is detained and then released to the custody of a parent or legal guardian with a warning to the juvenile and an explanation to the parent or legal guardian.
3. Referral - An officer provides information and refers the juvenile to a program sponsored by this department, by the school administration, or by another agency of the county government.
4. Custody, Placing Charges and Referring to the Juvenile and Domestic Relations District Court - All matters alleged to be within the jurisdiction of this court shall be commenced by the filing of a petition, except as noted below. (Specific action is governed by [§16.1-247](#) of the Code of Virginia, depending upon why the juvenile is in custody and whether or not court is open).

E. Juvenile Petition Procedure

1. An arrest report must be completed at the time a juvenile is arrested or brought to the 8th floor for processing for all non-traffic crimes, even if a petition will be obtained later.
2. The arresting officer will complete a Petition Information & Detention Form and take it to the Office of the Commonwealth's Attorney during regular business hours, for review and to confirm charges. The case's prosecutorial merit will be indicated on a Commonwealth's Attorney Preliminary Investigation form, which is executed by an Assistant Commonwealth's Attorney. This form will then be attached to the Petition Information & Detention Form.
3. The officer will then submit the "Blue Copy" of the Petition Information & Detention Form to the patrol administrative assistant who will confirm entry of the arrest report into LERMS.
4. The officer will subsequently meet with a juvenile intake officer who will draft a final formal copy of a Petition Information & Detention Form. The officer will then swear to the accuracy of the information and will be given the yellow copy for their records. The juvenile intake officer will then file the petition form with the Clerk of the Juvenile and Domestic Relations District Court. The juvenile petition process must be completed within 10 business days of the offense, unless supervisor's approval has been obtained to extend the time period. This will assist the Forensic Identification Unit in complying with the destruction of juvenile fingerprint cards when a petition has not been secured, as required in [Virginia Code §16.1-299](#).

F. Virginia Uniform Summons – The filing of a petition shall not be necessary if a juvenile is released on a Virginia Uniform Summons by the arresting officer for violations of the following pursuant to [Virginia Code §16.1-260\(H\)](#). An arrest report must be completed at the time a juvenile is issued a summons for all non-traffic crimes.

1. Traffic Laws, etc. - In the case of violations of traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws or violation of any ordinance establishing curfew violations or animal control violations. In such cases, the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.
2. Bicycle Helmet Violations - [Arlington County Code §14.2-64](#) requires persons 14 years of age or younger to wear an approved protective helmet whenever riding or being carried on a bicycle on any highway, sidewalk, or public bicycle path. Violations should be cited by summons to the Juvenile and Domestic Relations District Court. Hearings for violations of the bicycle helmet law should be set according to schedules provided by the Juvenile Domestic Relations Court, which is the second Wednesday of each month at 3:00pm. The officer should not appear at these hearings unless subpoenaed by the court. A case report and arrest report are required, and the incident number must be placed in the upper right corner of the summons. Violators are to be advised that they must bring a parent or legal guardian to court.
3. Tobacco Violations - Violations of [§18.2-371.2 of the Code of Virginia](#), involving possession of tobacco by juveniles, should be cited by summons to the Juvenile and Domestic Relations District Court. Hearings for violations for possession of tobacco products should be set according to the schedule provided by the Juvenile Domestic Relations Court, which is the second Wednesday of each month at 3:00pm. The officer should not appear at these hearings unless subpoenaed by the court. A case report and arrest report are required, and the incident number must be placed in the upper right corner of the summons. Violators are to be advised that they must bring a parent or legal guardian to court.
4. Marijuana Violations - Violations of [§18.2-250.1 of the Code of Virginia](#), involving possession of misdemeanor amounts of marijuana by juveniles, provided the juvenile is released to the custody of a parent or legal guardian, an officer shall issue a summons to the juvenile and shall also issue a witness subpoena requiring the parent or legal guardian to appear before the court with the juvenile. At the issuance of the summons, the officer shall also serve upon the juvenile an alternative treatment information form, [DC-524 Notice of Right to Consideration of Diversion](#).

5. Certain Alcohol Violations - In the case of a violation of the [Code of Virginia §18.2-266](#), [§18.2-266.1](#) or [§29.1-738](#), or the commission of any other alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian, an officer shall issue a summons to the juvenile and shall also issue a witness subpoena requiring the parent or legal guardian to appear before the court with the juvenile.
 6. Certain DUI Violations - If the juvenile so charged with a violation of the [Code of Virginia §18.2-266](#), [§18.2-266.1](#) or [§29.1-738](#) refuses to provide a sample of blood and/or breath for chemical analysis pursuant to [§18.2-268.1](#) through [18.2-268.12](#) or [§29.1-738.1](#), the provisions of these state code sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on the parent or legal guardian and the juvenile, and a copy shall be forwarded to the court in which the violation of [§18.2-266](#), [§18.2-266.1](#) or [§29.1-738](#) is to be tried.
 7. Littering - An officer shall issue a summons to a juvenile charged with littering in lieu of obtaining a petition.
 8. Class 3 and 4 Misdemeanors - In the case of offenses which, if committed by an adult would be punishable as a Class 3 or Class 4 misdemeanor, the court may direct that an intake officer proceed as provided in [§16.1-237 of the Code of Virginia](#) on a summons issued by the officer investigating the violation in the same manner as provided by law for adults, provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.
- G. Advisory Hearing – If a juvenile is not detained, the advisory hearing should be set within three business days for the following misdemeanor charges:
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|-------------------|-------------------------|-------------------------------------|
| • DWI | • Possession of Alcohol | • Driving with a Suspended License |
| • Drunk in Public | • Driving w/o a License | • Violation of Driving Restrictions |
| • Hit and Run | • Reckless Driving | • Learner's Permit Violation |
| • Marijuana | • Eluding Police | |
- ★ If a summons is issued for possession of marijuana or underage possession of alcohol and the matter is being referred to the intake unit for consideration of diversion, do not put a court date on the summons.
- H. Detention Placement
1. If the Juvenile and Domestic Relations District Court is not in session when placing a juvenile in detention, a pre-petition form must be completed, unless a detention order is already on file.
 2. If a juvenile is picked up on a detention order, the juvenile is to be fingerprinted and photographed for the originating charge prior to transport to the Detention Facility.

3. In the absence of an issued detention order, the officer must obtain authorization for detention from a juvenile court intake officer. An intake officer must complete a [Detention Assessment Instrument \(DAI\)](#) prior to authorizing secure detention. The Court Service Unit must follow the DAI's indicated decision or gain supervisory approval if an override is requested.
4. A petition must be obtained from the intake officer of the Juvenile and Domestic Relations District Court by 0900 hours on the next business day.
5. Upon completion of the steps described above, the juvenile is to be delivered to the designated facility without unnecessary delay.

I. Detention Order

1. A detention order shall **not** be issued for any juvenile, except when authorized by the judge or intake officer of a juvenile court or by a magistrate as provided in [§16.1-256 of the Code of Virginia](#). Section [16.1-256](#) authorizes a magistrate to issue a warrant when the court is not open or the judge and the intake officer are not reasonably available, meaning that neither the judge nor the intake officer could be reached or that neither could arrive within one hour of being contacted. Under these circumstances, a magistrate may also issue a detention order if the criteria for detention set forth in [§16.1-248.1](#) have been satisfied.
2. When court is not in session and a juvenile detention order is served, one executed copy of the order is to be delivered to the juvenile being arrested, one copy is to be delivered to the detention center where the juvenile will be detained, and one copy is to be given to the parent or legal guardian if they are readily available. All other executed copies of detention orders should be placed in the Court Services mailbox in order that the case can be placed on the court docket for the next business day. If court is in session, the juvenile and executed copies of the detention order are to be taken directly to court.

J. Fingerprinting and Photographing Requirements

1. Any juvenile taken into custody and charged with a delinquent act, which would be reported to Central Criminal Records Exchange (CCRE) if committed by an adult, shall be fingerprinted and photographed. This is to include offenses in which the juvenile is released to a parent or authorized adult.
2. Whenever fingerprints are taken, the Forensic Identification Unit shall forward one set of fingerprints to the J&DR Court, on forms provided by the CCRE.

3. The Crime Scene Unit shall be responsible for processing J&DR Court orders that require a juvenile to be photographed and fingerprinted.

Juvenile processing is not required for the following charges - Possession of marijuana (misdemeanor) if released on a summons at the scene; All alcohol charges (including DUI); Trespassing; Fare Evasion; Violation of court order; Probation Violations; Failure to appear; Fugitive from justice; CHINS violations; Traffic, bicycle and pedestrian offenses; Hitchhiking; Game and fish laws; Curfew violations; Animal Control Violations; Littering; Runaway charges; County ordinances; All offenses, which if committed by an adult, would be a class 3 or 4 misdemeanor.

K. Destruction of Fingerprints & Photographs

1. The Forensic Identification Unit shall destroy all juvenile fingerprints by shredding them. Photographs will be deleted from the digital file (case jacket).
2. The Forensic Identification Unit shall be responsible for the destruction all fingerprints and photographs within 60 days from the date they were taken if a petition or warrant is subsequently not filed in a case.
3. In cases where the Court notifies the Department to destroy fingerprints and photographs following a “not guilty” finding or similar judicial decision, the Forensic Identification Unit shall destroy such records within six months of the case disposition.
4. Officers shall not maintain copies of fingerprints in their possession. The only exception is when a juvenile signs a fingerprint form under a false name and is subsequently charged with forging a public document, these forms will be turned into property as evidence. In this case, the forms will be destroyed following evidence guidelines.

L. Juvenile Processing Procedure

1. The Juvenile Processing Room is located on the 8th floor. Once a juvenile is secure in this area, the officer may attend to paperwork and telephone calls, but shall remain in the vicinity and shall not leave the juvenile unattended. The CCRE form(s) and fingerprint/palm print cards will be placed in the secure lateral file cabinet in the Juvenile Processing Room. The key to this cabinet is kept at the CID reception desk and on the ground floor in the KeyWatcher system.
2. A Corporal or Master Police Officer shall be responsible for fingerprinting and photographing juveniles. Photographing a juvenile is done using the LERMS terminal located in the 8th Floor Juvenile Processing Room. All pertinent information must be filled out, using the LERMS, prior to photographing a juvenile. The procedure on how to photograph a juvenile using LERMS is located on the 8th floor in the Juvenile Processing Room.

3. The arresting officer is responsible for ensuring that all the forms are accurately completed. The arresting officer will leave the charge portion of the CCRE and fingerprint/palm print cards blank until a petition has been obtained. Once the petition(s) have been obtained, the arresting officer will then complete the charge section of the CCRE and fingerprint/palm print cards.
4. A fingerprint card and a palm print card will be completed for each arrestee on the standard fingerprint and palm print cards and retained for the department's files. One CCRE form, to include a complete set of fingerprints on the last page, needs to be completed for each charge.
5. The CCRE form(s) and fingerprint/palm print cards will be placed in the secure lateral file cabinet in the Juvenile Processing Room and the Juvenile Log will be completed, regardless of the time of day, to maintain the chain of custody. The Forensic Identification Unit will store the prints until a disposition has been obtained in the case. The Forensic Identification Unit will file the CCRE form(s) with the clerk of the Juvenile and Domestic Relations District Court when it has been verified that petitions have been obtained. Photographs will be stored in LERMS.
6. When releasing a juvenile, the parents or guardians must be escorted to the 8th floor by police personnel or the juvenile may be taken down to the lobby by the officer.

M. Juvenile Breath Test

1. Any juvenile arrested for DUI may be brought to the Arlington County Booking area for a breath test. The juvenile must be escorted into the Intoxilizer or breath testing room and shall be kept inside the room with an officer present at all times. Once the test has been administered and completed, the juvenile shall be taken from the booking area and escorted to the juvenile room in the department where the final paperwork and parental notification can be made.
2. Prior to entering booking, the officer must ensure that the deputies are advised that a juvenile is being taken in for a test. There shall be no other adult arrestee present or waiting for a DUI test in the room. The breath test of any adult arrestee who is waiting for testing should be completed and the adult placed in a holding cell, prior to the juvenile being admitted to the area. If another adult prisoner enters the booking area during a juvenile breath test, the prisoner shall be placed in a holding cell until the juvenile is escorted out of the booking area.

N. Non-Police Involvement in Juvenile Cases

1. If a juvenile is detained and then released by someone other than an officer, that person is responsible for obtaining a pre-petition from CIS. All petitions will be issued by the Juvenile and Domestic Relations District Court.

2. The Juvenile and Domestic Relations District Court will be responsible for preparing service of the petition for the juvenile's parents or legal guardian. A copy of the petition will be forwarded to CIS by the Juvenile and Domestic Relations District Court on cases in which the police were not originally involved.
 3. Personnel from the Forensic Identification Unit will periodically contact the clerk of the Juvenile and Domestic Relations District Court to determine the outcome of cases for which fingerprints were obtained.
- O. Disclosing Identifying Information Concerning Juveniles to School Officials - An officer may disclose, to school officials, identifying information concerning a juvenile who is suspected of committing or who has committed a delinquent act on school property during a school sponsored activity or on the way to and from such activity, if the disclosure is made solely for the purpose of enabling school personnel to take appropriate disciplinary action within the school setting against the juvenile. The Community Resources Section Commander is responsible for coordinating with School Resource Officers to disclose appropriate information to school officials.